App F IX 4

1946 47
(ml)

File No 55-46
Serial Nos 72, 73

Previous References

Later Reference s
ML 67-48 (54,55)

GENERAL AND REVENUE SECRETARIAT

Serial Nos
Tw

Part B for April 47

SUBJECT

Confirmation of the Sale of Ship arti
in Davangere Municipality

L 124984-88 C, 26 4 47
to
D e Chitaldrug
Comptroller by
sanctions the proposa
re —

Serial No

Letter No A6 C 50/46-47 D 12-1-47 from the Dy Commr, Chitaldrug Dt, requesting sanction to the Confirmation of the sale of certain sites in the Davangere town only, except sites, Nos 34 & 35

28 Sites which were formed as per plan of the Govt Architect behind the L H Hospital at Davangere were auctioned on 2-11-46 & 4-11-46

Statement flagged 'M" shows the names of persons whose bids stood final All the bidders have paid the value of the sites in full according to the Conditions of sale notification except Messrs Jagappala Siddappa & Gowdara Channa Veerappa who purchased sites Nos 34 & 35 respectively

The balance of the bid amounts was paid by the above two bidders after delay of 2 days

"L" 2) The Md Cl have, at their meeting held on 9-12-46, approved of the Confirmation of the sale, Condoning the delay of 2 days in respect of Payment towards sites Nos 34 & 35 in View of the unforeseen circumstances

"K" 4) The Dept ... forwarding the records to the Dy Commr, has in para 3 of his letter stated "that they further resolved ... that the delay was due to exceptional circumstances, there being the loss of a Child in their house"

OTE—Contn Sheet

5) The Dy Commr requests sanction

to the Conformation of all the remaining 26 sites & states that he is issuing instructions to the Dct to hold a resale of sites Nos 34 & 35 as per Conditions of the sale notification

There is no provision in the Town Planning Act 1938 to condone the delay in the matter but the Tribunal reserved any power to enforce the Board's orders

Thus delay

Cause the sale notification, under Condition no 2 which is quite [illegible]

It is seen from the statement filed that 28 sites have been sold in the Durrumpore Township to 24 persons the value has been credited in full. But in the case of two persons who purchased the sites 20 34 & 35 a portion of the instalment was paid after a delay of two days beyond the time prescribed in the sale notification. The Board have condoned the delay & approved the sale But Mr D.C has ordered that as the sale purchasers did not abide by the conditions of the sale notification in regard to the credit of the bid money within the prescribed time, the sites may be resold

ON

& on the whole, the delay of the remaining 26 sites to 19 persons may be confirmed under Sec 38 of

WD 08814—GPR—15 000—20-7-46

Serial No

if the Municipality has the power to condone the delay in crediting the balance of purchase money?

No. Reply from 25/11/43

9. Whether the Municipality has power to condone the delay in crediting the balance of purchase money?

Yes
By Law
27/11/43

10. Rules There is no provision in the Town Planning Rules Act 1933 in this behalf

11) The sales in such cases are subject to the conditions prescribed in the sale notices Conditions regarding cases where the bid amounts are not deposited within the prescribed time But the Rules that very necessary This head clause is improved

12) Reference from Municipality

Reply to be given

13) Power to the Municipality to condone such delays?

Yes
P.L.

could There is no power to Govt to condone the delay

15) The Law Secretary will also be consulted in the matter

16) A — may be done every [illegible]

17) For favour of opinion Law Secy [illegible]

29 MAR 1947

18) Sec 38(2) of the Town Municipalities Act merely enjoins that every sale or other transfer of immovable property exceeding Rs 1,000/- in value shall have prior sanction of Government There is no mention of the conditions of sale, much less of the power to condone any breach of the conditions As the municipality has power to frame the conditions of sale, it has the power to condone any breach of the conditions, such as delay in the present case

Law Secy)

Rev Secy) MC)

19) [illegible]

[illegible]

20) The opinion of the Law Secretary is submitted for kind perusal & for orders of the Sale of the Shop Site on Davangere Town

5700/L — (s 189)

may be Confirmed conclusive See 30(2) of the Town Clauses Act

(21) Special proofs or does not exist on the Act for Confirmation of delay as in Shanaah 16/8/97 Sale under the Land Revenue Rules

16/8/97 (22) It is necessary to make Special provision in the Sale Conditions confirming the Deed to conclusive delaying the deed upto a certain period, after in analogy of the Land Revenue Sale Act, so as to prevent matter beyond the ruling of the Sepundaram with relation, in this behalf, if approved

(23) for the immediate it is provided if the delay 26 acts to 19 days respectively as recommended by the or there is no complaint DC in holding the sale in regard to the above two acts, to the DC states that has instructed to proceed to hold the delay acts nos 3 & 8 of Sale rules for orders - respectfully submitted

5700
2

25 The Sale of all the
Sites may be confirmed as
recommended by the Davangere
Municipality condoning the delay
in regard to the payment of the
purchase money relating to Site
Nos 34 & 35 DC may be asked not
to withdraw his order regarding resale of
Site Nos 34 & 35 Separate action will
be taken to provide for condonation
of delay in respect of Municipal
Sales

Minister for
Rev & Coms
9/4
21/4/47

The sale of all sites except
Nos 34 & 35 - may be confirmed as
regards these two sites their sale may
also be confirmed unless action has
been taken as per orders & the Deposits
the sites have been received

OFFICE OF THE
FOR REFERENCE
No. 9468
Date 24/4/1947

21/4

Dept for
Return

24 APR 19

Dept Go put up

Dy
24/4 Go no L 14997-8/mlss
-46-13 of 26 4 47
Conditions
1) The Dc - Chitaldrug
2) The Commissioner

Immediate
Confirm

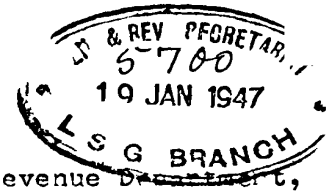
B 6.5.47

DML S'S'-46-72

No 46 C 50/46-47

Encl 1 file

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 12th Jan 1947



To

J B Mallaradhya sq ,M.A ,
Secretary to Government of Mysore, Revenue Department,
Bangalore

Subject, Confirmation to the sale of shop sites in Davangere Municipality

Sir,

I have the honour to state that the Municipal Council Davangere at its meeting held on 27-9-1946 resolved to sell the sites formed as per plan dated 3-8-1946 prepared by the Govt Architect The President of the Municipality conducted the sale of sites No 40 to 47, 38, 33 to 36 on 2-11-1946 and site No 31,32, 10 to 17 and 4 to 8 on 4-11-1946 and the value of all these 28 sites aggregating Rs 17800/ has been realised in full The Municipal Council at its meeting held on 9-12-1946 has resolved to request Govt to confirm the sales and to condone the delay of two days in payment of the bid amount by the purchasers of sites Nos 34 and 35. It is reported that one purchaser has delayed payment the earnest money of one quarter of his bid amount by 2 days and the other 3/4 of the balance of his bid by 2 days

The President of the Municipality recommends that the delay of two days on the part of both these bidders which was due to some domestic calamity might be condoned and all the sales confirmed

As there is no provision in the Municipal Act for the condonation of delay, I am instructing the President to hold a resale of sites 34 and 35 as per the conditions of the sale notification

I request that sanction of Government may kindly be obtained for the confirmation of the sale of the remaining 26 sites as there is no irregularity in the holding of those sales

The entire sale records ending with letter No H C 56/46-47 dated 24-12-1946 received from the President

President are enclosed herewith for favour of reference

I have the honour to be,
Sir,
Your most obedient Servant,

Deputy Commissioner,
Chitaldrug District

C H F 3/

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 16 6 47

Signed by G L Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section Rev

File No SS-46

Serial No 73

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter No A 6 C 50/46 47 dated 12 1 47 from the D C, Chitaldrug in the matter of ~~sanction~~ Requesting to confirmation of the Sale of 28 Sites behind the L I dispensary a Davangere town, conducted by the president of the Davangere town Municipal Council on 29 and 30 Nov 46 ~~Order thereon No~~ ~~adding that the local Municipal Council~~ 1-14987-8 ML SS-46-73 order No 4176 4 (1),

The D C Chitaldrug States that ~~the Govt Approved~~ declined the L I Depot & the Davangere 28 Sites) were sold as public auction by the president of the local Municipal Council on the 2nd and the 4th November 1946 for a sum aggregating Rs 1,78,690

formed as per the Council prop

Resolution of the Municipal Council dated 27 9 46
~~for a sum aggregating Rs 1,78090/~~ and that
the Municipal Council at its meeting held
on 9 12 46 has Resolved in favour
of accepting the Tenders for the Sites
as per the list appended and Confirm
the Sale of, Condoning the delay in
the payment of the balance of
the Tender amount in Respect of
Sites Survey Nos 34 and 35 Sites to be given
caused by exceptional circumstances
since no provision exists in the Town
Planning Act for the condonation
of delay, the Lr Recommends Sanction
the Confirmation of the Sale
the Regularising of the Sites as the
resident Lease executed by him

List of Enclosures

to the two Sites referred above

~~Should not be issued as a Result~~
~~of which the Lr also the delay Caused in payment~~
~~of balance of the Tender amount~~ in accordance with the Conditions of the Sale
Notification

Copied by

Examined by

Lr is pleased to direct that as per list appended
the Sale of all the Sites Excepts of 34 and 35 be Confirmed, the
Regularised the Sites, their Sale also be Confirmed unless
Reasons Shall Sites have been taken as per provision of the Act
been Resolved

WD 087—GPB—40 000—14 11 40

Yours faithfully